

REMARKS/ARGUMENTS

The Office Action dated August 15, 2003 has been received and its contents carefully considered claims 1-5, 7-12, 14-16, 19 and 20 are pending. Claim 1-5, 7-12, 14-16, 19 and 20 have been rejected. Claims 1, 9 and 16 have been amended.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

SPECIFICATION

Applicants have amended the specification to correct typographical errors. The amendments do not add any new matter. Applicants respectfully request that the amendments be entered.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1-4, 7-8, 16 and 19-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Sorenson (U.S. Patent 5,598,598). Without conceding the propriety of the rejection, independent claims 1 and 16 have been amended. It is respectfully submitted that Sorenson does not teach, *inter alia*, an extensible handle comprising a first elongated member comprising “at least one receptacle for receiving a restricting device through a side surface of the first elongated member” as recited in claims 1 and 16.

It is acknowledged by the Examiner, that the locking ring 110 in combination with the lock assembly 80 is inserted into the end of the telescoping tube element 26 to restrict

movement. This teaches away from the invention as claimed because the restricting device, as recited in claims 1 and 16, is received through a side surface of the first elongated member.

For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P., Sorenson cannot be said to anticipate the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 2-4, 7-8 ultimately dependent from independent claim 1 and are patentable over the cited prior art for at least the same reasons as is claim 1.

Claims 19-20 depend from independent claim 16 and are patentable over the cited prior art for at least the same reasons as is claim 16.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sorenson as applied to claim 1 in view of Messier (U.S. Patent 5,433,127). Sorenson does not anticipate the features as recited in independent claim 1 as discussed above. Messier does not cure the deficiencies of Sorenson because it does not teach, *inter alia*, an extensible handle comprising a

first elongated member comprising “at least one receptacle for receiving a restricting device through a side surface of the first elongated member” as recited in claim 1.

In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970).

Therefore, since the prior art lacks all the claimed features, Sorenson, alone or in combination with Messier, can not be said to teach or suggest the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 9-12 and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman (U.S. Patent 4,018,421) in view of Sorenson. Without conceding the propriety of the rejection, independent claim 9 has been amended. It is respectfully submitted that Tallman does not teach, *inter alia*, an apparatus for moving an item comprising a first elongated member comprising “at least one receptacle for receiving a restricting device through a side surface of the first elongated member” as recited in claim 9. Sorenson does not cure the deficiencies of Tallman, since it, too, lacks a teaching of “at least one receptacle for receiving a restricting device through a side surface of the first elongated member” as recited in claim 9. Thus, Tallman, alone or in combination with Sorenson, can not be said to teach or suggest the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 10-12 and 14-15 ultimately depend from independent claim 9 and are patentable over the cited prior art for at least the same reasons as is claim 9.

CONCLUSION

In view of the foregoing remarks, Applicant submits that the application is now in condition for allowance. If, the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not time filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP



Marc W. Butler
Reg. No. 50,219

Date: October 21, 2003
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783